

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

JAMES ABBOTT,

Plaintiff,

v.

CARL E. CORNWELL II, et al.,

Defendants.

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No. 4:18-CV-00170-DGK

**ORDER TO SHOW CAUSE**

This case arises out of a criminal case involving pro se Plaintiff James Abbott (“Abbott”).<sup>1</sup> In this case, Abbott is suing the judge who presided over his criminal case, prosecuting attorneys, defense attorneys, and others involved in the criminal case, for violations of his constitutional and civil rights.

On March 5, 2018, Plaintiff filed his complaint against all defendants and paid the filing fee. While there is no return of service on file, Defendants Rigby, Mandracchia, Baker, Edwards, and Hunt were seemingly served with process because they filed motions to dismiss. On July 20, 2018, the Court granted the pending motions to dismiss.

Defendants Cornwell, II, Cooper, O’Conner (“Defense attorney defendants”), and Correct Care Solutions have not appeared or answered Plaintiff’s complaint. The Court is unsure whether these Defendants have been properly served.

Fed. R. Civ. P. 4(m) permits a court, after notice to the plaintiff, to dismiss an action without prejudice against a defendant not served within 90 days of filing the complaint.

Here, Plaintiff filed his complaint on March 5, 2018, and thus had until approximately June 5, 2018, to serve the Defense attorney defendants and Correct Care Solutions. The record is

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<sup>1</sup> *State v. Abbott*, No. 1216-CR05298 (Mo. Assoc. Cir. Ct. dismissed Apr. 9, 2014).

unclear whether this has occurred.

Accordingly, Plaintiff is ORDERED to file a return of service for the Defense attorney defendants and Correct Care Solutions indicating these defendants have been served or show cause why these defendants should not be dismissed. Plaintiff's response is due on or before August 6, 2018.

**IT IS SO ORDERED.**

Date: July 20, 2018

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT